

The Case of Vaccine Refusal: Parent Conviction, Child Best- interests, and Community Good

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Purpose of Vaccination Policy

- Protection of individuals from disease
- Protection of community from disease spread
- Eradication of disease from community

Issues

- Do parents have an ethical duty to vaccinate their children?
- Should the state compel vaccination of children?
- Can the state require vaccination of children to attend school and under what circumstances?

The Harm Principle

“The only purpose for which power can rightfully be exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.”

--John Stuart Mill, *On Liberty*

When is it justifiable to restrict individual freedom?

- When action or decision places another individual at substantial risk of serious harm
- Restriction of freedom must be effective in preventing that harm
- No less restrictive alternative exists that would be equally effective at preventing the harm

Vaccination and the Harm Principle

- Harm to the Child: Beneficence and Best Interests
- Harm to “innocent” third parties: Justice & non-maleficence

When can state action be justified?

- “Harm Principle”: State intervention (coercive) may be justified when the individual decision or action places others at substantial risk of serious harm.
- State action must be effective in preventing the harm.

• No other options less intrusive to individual liberty are available

State Coercion and Vaccination

- Justifiable during disease epidemics
- Not necessary if voluntary vaccination levels high enough to keep disease prevalence low
- Justifiable to protect helpless individuals from significant threat of harm (*parens patriae* doctrine)

Justice, Policy, and Vaccination

- Vaccination programs are important to the public health and a community good
- Benefit of vaccination program shared by the entire community, including those who refuse vaccination (Free-riders)
- Burden of vaccination programs should not be borne exclusively by individuals participating in vaccination program

Policy Issues

- Vaccination provided at public expense
- Adequate compensation for losses and health care related to vaccine related injury should be provided by public
- Tax-based system of compensation
- Tax incentive to participate in vaccination program “levels the playing field.”